



*7-116-100* *LTC*  
**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

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Number: EL659497272US Date of Deposit: SEPTEMBER 14, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on SEPTEMBER 14, 2000.  
Typed or Printed Name: VINCENT DIAZ Signed: Vincent Diaz

**OFFICE OF PETITIONS**

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No.	A-65909-1/RFT/RMS/RM
	First Named Inventor	BAMDAD, Cynthia C.
	Examiner Name	J. LUNDGREN
	Group/Art Unit	1631
	Express Mail Label No.	EL659497272US

This is a request for  continuation or  divisional application under 37 C.F.R. § 1.53(d),

(continued prosecution application (CPA)) of prior application number 09 / 135,183

filed on 08/17/98, entitled, Electronic Detection of Nucleic Acids Using Monolayers

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. §1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. §1.78(a).

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R §1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....  
.....  
.....
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

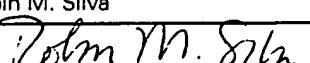
CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE		(5) CALCULATIONS
	Total Claims (37 C.F.R. §1.16(c) or (j))	-20 =	0	X \$	18	\$ 0
	Independent Claims (37 C.F.R. §1.16(b) or (i))	-3 =	0	X \$	78	\$ 0
	Multiple dependent claims (if applicable) (37C.F.R. §1.16(d))			+ \$	260	\$ 0
				BASIC FEE (37 C.F.R. §1.16)		\$ 760
			TOTAL OF ABOVE CALCULATIONS =			\$ 760
	Reduction by 50% for filing by small entity. (Note 37 C.F.R. §§1.9, 1.27, & 1.28).					\$ 0
				TOTAL =		\$ 760

6. Small entity status:
- A small entity statement is enclosed, if (b) and (c) do not apply.
  - A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
  - Is no longer claimed.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06 - 1300 (Order No. \*)
- Fees required under 37 C.F.R. § 1.16.
  - Fees required under 37 C.F.R. § 1.17.
  - Fees required under 37 C.F.R. § 1.18
8.  A check in the amount of \$\*\* is enclosed
9.  Other: •Return postcard
10.  Conditional Petition for Extension of Time: An extension of time is requested in the present and/or above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

**NOTE:** *The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS				
<input type="checkbox"/> Customer Number or Bar Code Label		(Insert Customer No. or Attach bar code label here)		<input type="checkbox"/> New correspondence address below
Name				
Address				
City	State		Zip Code	
Country	Telephone		Fax	

**11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Robin M. Silva
Signature	
Registration No. (Attorney/Agent)	38,304
Date	September 14, 2000



PATENT  
Attorney Docket No.: A-65909-1/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: J. Lundgren **RECEIVED**  
BAMDAD, et al. ) Group Art Unit: 1653 **SEP 21 2000**  
Serial No.: 09/135,183 )  
Filed: August 17, 1998 )  
For: ELECTRONIC DETECTION OF )  
NUCLEIC ACIDS USING )  
MONOLAYERS )  
\_\_\_\_\_  
) "EXPRESS MAIL" MAILING LABEL  
Number: EL659497272US  
Date of Deposit: September 14, 2000  
I hereby certify that this paper or fee is being deposited  
with the United States Postal Service "Express Mail Post  
Office to Addressee" service under 37 C.F.R. 1.10 on the  
date indicated above and is addressed to the Assistant  
Commissioner for Patents, Washington, D.C. 20231,  
on September 14, 2000.  
Typed or Printed Name: VINCENT DIAZ  
Signed: Vincent M. Diaz

OFFICE OF PETITIONS

COMMUNICATION

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

The applicants are filing a continued prosecution application (CPA) rather than filing the issue fee. This is done for several reasons, including the filing of a replacement specification under 37 C.F.R. §1.125(b), amendment of inventorship to include Dr. Changjun Yu, and for the submission of a supplemental IDS and PTO 1449 form, with references.

With respect to the first point, the applicants note that the specification contained a number of spacing errors due to the insertion of graphics into text and typographical errors. The applicants are submitting the replacement specification to facilitate the correct printing of the application.

With respect to the second point, the applicants wish to point out that the recent addition of claims 20-22 necessitated the addition of inventor Changjun Yu. While Dr. Cynthia BAMDAD, the original sole inventor, did sign both a declaration and assignment, she has since left the employ of CMS. Since her departure from CMS she has not signed any additional documents. Thus the applicants are

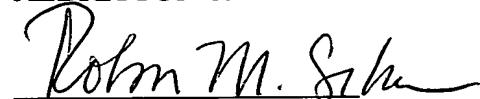
submitting a petition and declaration under 37 C.F.R. §1.47(a) to meet the requirements of showing a refusal to sign.

With respect to the third point, the applicants are submitting an IDS to disclose some additional references. Several of them are additional patents issuing on specifications already considered by the Examiner (the two Meade patents), several of them are the PCT publications of CMS applications drawn to the attention of the Examiner as related applications in the previous IDS, and one of them includes a recently acquired English translation of a Japanese patent application.

The Commissioner is authorized to charge any additions fees, including extension fees or other relief which may be required or credit any overpayment to Deposit Account No. 06-1300 (our Order No. A-65909-1/RFT/RMS/RMK).

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

  
\_\_\_\_\_  
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Reg. No. 38,304

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